IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION.

COURT RECEIVER'S REPORT No. 44 of 2008
IN
T. SUIT No.67 of 1994
IN
PETITION No.561 of 1994

Mrs Lekha Sugunan ..Plaintiffs.

Vs.

Arangil N. Sridhar ..Defendants.

Shri Deokar I Asstt. to C.R.

Mr J. P. Seni, i/b Federal Reshmikant for the Plaintiff.

CORAM: V. C. DAGA, J.
DATED: 18. 02. 2008.

P.C.:-

1. Heard.

2. Perused Court Receiver's Report dated 1.2.2008. In the testamentary petition, Court Receiver was appointed. After appointment of the Court Receiver one Shri Nilesh Shah was appointed as an Agent of the Receiver under agreement of agency on payment of royalty in the sum of Rs. 10,000/- per month; Accordingly, till now an amount of Rs. 70,000/- has been paid by the Agent of the

Court Receiver.

3. In the meanwhile, the suit has been decided and the probate has been issued in favour of the petitioner. In the above facts and circumstances, Court Receiver is seeking directions; as to whether the possession should be taken from the Agent of Court Receiver (Mr Nilesh Shah); and as to whether after adjustment of the deposit, the amount due and recoverable from him be recovered with interest thereon @ 10% per annum.

4. The Court Receiver is also seeking direction; as to whether or not it should continue to be the Court Receiver of the subject property.

5. Since the Probate has already been issued in favour of the petitioner no useful purpose would be served by continuing the Court Receiver. In this view of the matter, the Court Receiver is liable to be discharged subject to taking possession of the suit shop No.21 from Mr Nilesh Shah and recovering balance money from Mr Nilesh after adjusting

fixed deposit made by him.

6. Mr Nilesh Shah is directed to deliver possession of Shop No. 21 and make payment of the amount as may be demanded by the Court Receiver after determining the amount due and recoverable from him. The arrears shall carry interest @ 10% per annum after adjustment from the date of arrears after making adjustment of Rs. 70,000/- or after giving credit of this amount. The Court Receiver after taking possession from Mr Nilesh Shah is permitted to hand over possession of the subject premises to the holder of the probate.

7. In the event, the Agent refuses to deliver vacant possession, the Court Receiver is at liberty to take police help.

8. The Court Receiver is discharged without furnishing account. He shall be entitled to claim the expenses incurred.

JUDGE.